

DIVISION OF FIRE AND EMERGENCY SERVICES

OPEN BURN PERMIT REGULATIONS

1. Except as provided in Section 9-20 of the Lexington Fayette Urban County Government Code of Ordinances (the “Code”), open burning is prohibited in the Urban County without an Open Burn Permit (a “Permit”).
2. Applications for an Open Burn Permit must be submitted at least twenty (20) days prior to the date or dates for which a permit is requested. The Fire Chief or his designee has the discretion to waive the twenty (20) day period if extenuating circumstances warrant waiver.
3. The Applicant must have applied and received all applicable state permits and licenses, if any are required, before a Permit can be issued. If a Permit is issued, the Applicant shall comply with all applicable state statutes, local ordinances, and state and local regulations when conducting an open burn.
4. Applications may be submitted in person to the Division of Fire and Emergency Services Fire Prevention Bureau located at 219 East Third Street, between the hours of 8:00 a.m. and 4:00 p.m., Monday through Friday (excluding Urban County Government holidays). Incomplete applications will not be accepted.
5. A separate application must be submitted for each open burn location. A “location” is real property at a single, contiguous or adjacent site owned by the same applicant.
6. Permits may be granted for a period of up to thirty (30) calendar days. If a Permit is granted, open burning may be conducted only between the hours of 8:00 a.m. and 4:00 p.m. (Eastern Standard Time). During “fire hazard season” (February 15 to April 3 and October 1 to December 15), if the applicant intends to burn any flammable material capable of spreading fire within one hundred and fifty feet (150’) of woodland or brushland, not including fires set for the purpose of burning plant beds, and the ground is not covered by snow, then open burning may be conducted only between the hours of 6:00 p.m. and 6:00 a.m. (Eastern Standard Time).
7. After receiving an application, a firefighter assigned to the Fire Marshal’s Office shall inspect each open burn location to determine if the site is appropriate. The inspector shall also evaluate the site to ascertain what conditions should be placed upon the issuance of the Permit because of the nature of the location and the surrounding properties. Relevant factors include, but are not limited to, the residential, commercial or agricultural use of the property and the surrounding property; the proximity of structures, trees, and brush to the proposed site; the types of material that the Applicant intends to burn; and, the availability of other means of disposing of the material the Applicant intends to burn.

8. If a Permit is issued, no open burning shall be conducted on any day during the permit period when winds exceed fifteen (15) miles per hour or humidity levels are higher than seventy-five (75) percent.
9. Open burning conducted for purposes of disposal of natural growth for land clearing (for example, development of subdivisions) shall be conducted only in a “turbo burn pit.”
10. The Applicant shall designate a person or persons who shall be responsible for ensuring compliance with these regulations and all applicable statutes, ordinances and regulations. That person shall meet with a representative of the Fire Marshal’s Office before the open burn is to be conducted and review the terms and conditions of the permit.
11. The Applicant shall describe in detail all fire safety measures that it will implement to ensure that the open burn is controlled.
12. The Applicant or a qualified representative designated by the Applicant shall be present at all times when an open burn is conducted.
13. No permit is required for small fires set by construction or similar workers for heating purposes; provided, however, that these fires shall be restricted to a metal barrel or other approved containers, which shall not be left unattended, and shall only be allowed when temperatures are below forty degrees (40°) Fahrenheit.
14. If a Permit is issued the Fire Chief or his designee may cancel the Permit at any time, with or without cause.
15. The Fire Chief or his designee may impose any additional terms and conditions for issuance of a Permit that are deemed reasonably appropriate given the circumstances of the proposed open burn.
16. The Fire Chief or his designee will grant or deny a permit within a period of twenty (20) days after receiving an application. A permit may be denied if the Applicant has not satisfied all requirements for a permit or if it is determined that granting a permit is not in the best interest of the Government or the citizens of the Urban County.
17. If the Fire Chief or his designee denies an application, the Applicant may appeal that decision to the Commissioner of the Department of Public Safety (the “Commissioner”) or the Commissioner’s designee. All appeals shall be in writing, which writing shall fully state the basis for the appeal, and shall be submitted to the Commissioner within five (5) days of the date of denial of the application. The Commissioner shall consider the application, the basis for the Fire Chief’s denial of the application, and the written objection filed by the Applicant in determining whether to affirm or reverse the Fire Chief’s decision. The Commissioner shall make a determination within ten (10) days of receiving the appeal and this determination shall be final.
18. If a Permit is issued, it shall be kept in the possession of the Applicant, or the Applicant’s designated representative, during any open burn conducted at the approved open burn location and shall be produced upon request of any Division of Fire and Emergency Services employee, law enforcement officer, or other Urban County Government official.

19. If the terms and conditions of a Permit, including these regulations, are violated, the Fire Chief or his designee shall issue a citation for such violation pursuant to Code Section 14-10(f). If the Applicant is convicted for a violation of Code Section 9-20 (or any comparable state law), then the following additional sanctions shall be imposed:

a. for a first violation in a five (5) year period, the Applicant shall not be granted another permit for a period of six (6) months;

b. for a second violation in a five (5) year period, the Applicant shall not be granted another permit for a period of one (1) year; and

c. for a third violation in a five (5) year period, the Applicant shall not be granted another permit for a period of two (2) years.